



Claimant works for the respondent as a truck mechanic. He alleges he injured his right arm on July 3, 1997, while lifting an axle. Respondent and its insurance carrier deny that claimant injured his arm at work and the Administrative Law Judge agreed.

The Administrative Law Judge had the opportunity to observe claimant testify and assess his demeanor and credibility. In this instance, the Administrative Law Judge did not believe claimant and the Appeals Board gives some deference to that assessment.

The Appeals Board also finds that claimant has failed to prove he injured his arm at work. Respondent and its insurance carrier presented credible, persuasive evidence that claimant initially advised respondent he had injured his arm while working at home and specifically denied hurting his arm at work. Also, claimant's supervisor, James Dodd, testified claimant's work orders did not indicate that claimant worked on an axle during the period in question. Further, the histories, or lack of same, contained in the medical records do not support claimant's contentions.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order dated October 30, 1997, entered by Administrative Law Judge Robert H. Foerschler should be, and hereby is, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of December, 1997.

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BOARD MEMBER

c: John H. Thompson, Kansas City, MO  
Steven C. Alberg, Overland Park, KS  
Robert H. Foerschler, Administrative Law Judge  
Philip S. Harness, Director